

OPEN MEETING ITEM

COMMISSIONERS
KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



0000101460

ARIZONA CORPORATION COMMISSION

DATE: AUGUST 6, 2009
DOCKET NO.: T-20579A-08-0084
TO ALL PARTIES:

Arizona Corporation Commission

DOCKETED

AUG 6 2009

DOCKETED BY

Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

CURATEL, LLC
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NO. 70983)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

AUGUST 17, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

AUGUST 25, 2009 and AUGUST 26, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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DOCKET CONTROL

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 CURATEL, LLC, FOR APPROVAL OF A
10 CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE COMPETITIVE
12 RESOLD LONG DISTANCE, RESOLD LOCAL
13 EXCHANGE, FACILITIES-BASED LONG
14 DISTANCE, AND FACILITIES-BASED LOCAL
15 EXCHANGE TELECOMMUNICATIONS
16 SERVICES.

DOCKET NO. T-20579A-08-0084

DECISION NO. _____

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 70983

11 Open Meeting
12 August 25 and 26, 2009
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 Having considered the entire record herein and being fully advised in the premises, the
16 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

17 **FINDINGS OF FACT**

18 1. On May 5, 2009, the Commission granted to Curatel, LLC ("Curatel" or "Company"),
19 a Certificate of Convenience and Necessity to provide competitive resold long distance, resold local
20 exchange, facilities-based long distance, and facilities-based local exchange telecommunications
21 services in Decision No. 70983 ("Decision").

22 2. Pursuant to the Decision, Curatel was required to file a performance bond or
23 irrevocable sight draft letter of credit in the amount of \$235,000. Additionally, the Company was
24 ordered to file the original performance bond or irrevocable sight draft letter of credit with the
25 Commission's Business Office and copies of the performance bond or irrevocable sight draft letter of
26 credit with Docket Control within 30 days of the effective date of the Decision.

27 3. Given the May 5, 2009, date of the Decision, this compliance item would have been
28 due from Curatel on or about June 4, 2009.

6. According to Curatel's Request, the Company has been actively pursuing a performance bond, but has encountered administrative delays with the bonding agency and would be unable to file the performance bond by June 4, 2009. The Company requested a 30-day extension for filing the performance bond or irrevocable sight draft letter of credit.

8. In its Staff Report, Staff stated that since the performance bond has been docketed, the requirement for delivery of the performance bond has been met. As the Request was timely filed, Staff recommends that the Commission retroactively approve Curatel's Request and extend the deadline for filing of the performance bond to July 5, 2009.¹

CONCLUSIONS OF LAW

2. The Commission has jurisdiction over Curatel and the subject matter of the Request for Extension of Deadline to comply with Commission Decision No. 70983.

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DECISION NO.

ORDER

IT IS THEREFORE ORDERED that Curatel, LLC's, Request for Extension of Deadline to comply with Decision No. 70983, is granted, and Curatel, LLC's July 2, 2009, filing meets the requirement of Decision No. 70983 as determined herein.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2009.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SERVICE LIST FOR:

CURATEL, LLC

DOCKET NO.:

T-20579A-08-0084

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